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## Senate

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Hon. WALLACE F. BENNETT, a Senator from the State of Utah, offered the following prayer:

Our Father in heaven, we meet today in the absence of our beloved Chaplain, who was injured in the course of his service the last time we met.

We are happy at the rapidity of his recovery. We thank Thee for the blessings Thou hast showered upon him, to make this possible, and ask that Thou wilt continue to bless him, and that he may soon be with us again.

In his absence, may our minds and our hearts recapture the words and the spirit of the many prayers he has offered in our behalf over the long years of his service. Bless us, that we may be able to measure up to the ideals of our obligation that he has set for us so frequently in the beautiful prayers offered in our behalf.

We ask these blessings in the name of Thy Son, Jesus Christ. Amen.

### THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, July 18, 1961, was dispensed with.

### REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of July 18, 1961, the following reports of a committee were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1589. A bill to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States (Rept. No. 575).

By Mr. PASTORE, from the Committee on Commerce, with amendments:

S. 2034. A bill to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in staff provisions, and revising related provisions (Rept. No. 576).

By Mr. BARTLETT, from the Committee on Commerce, without amendment:

S. 2085. A bill to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds (Rept. No. 574).

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Ratchford, one of his secretaries.

### LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

### COMMITTEE MEETING DURING SENATE SESSION—AUTHORIZATION FOR FOREIGN RELATIONS COMMITTEE TO FILE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Foreign Relations Committee be permitted to sit today notwithstanding the session of the Senate, and that it also be given permission to file its report with the Senate on the foreign-aid bill, S. 1983, should it complete its action on this important measure this weekend, while the Senate is in adjournment or recess.

The VICE PRESIDENT. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following committees and subcommittees were authorized to meet during the session of the Senate today:

The Committee on Finance.

The Antitrust and Monopoly Subcommittee of the Committee on the Judiciary.

### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

### EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting several nominations and withdrawing the nomination of Charles E. Organ, to be postmaster at Waynesville, Ill., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

### EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service:

Robert E. Hampton, of Maryland, to be a Civil Service Commissioner; and

One hundred and two postmaster nominations.

By Mr. BYRD of Virginia, from the Committee on Finance:

William M. Fay, of Pennsylvania, for appointment as judge of the Tax Court of the United States.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

### DISTRICT OF COLUMBIA COMMISSIONER

The Chief Clerk read the nomination of John B. Duncan, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years and until his successor is appointed and qualified.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. CASE of South Dakota subsequently said: Mr. President, I wish to

## LEGISLATIVE PROGRAM

Mr. TALMADGE. Mr. President, will the Senator from Maine yield to me so I may make an inquiry of the majority leader?

Mr. MUSKIE. I yield to the Senator from Georgia.

Mr. TALMADGE. May I ask the majority leader what the program is for the remainder of the week and for Monday of next week?

Mr. MANSFIELD. After we move to the next matter of business, which will be Calendar No. 544, H.R. 7208, the legislative appropriation bill, it is agreed that we will then consider the items on the calendar to which there is no objection. When those are disposed of, we will adjourn from tonight until Monday at 12 o'clock noon.

On Monday we will take up the farm bill. Because of the interest in the farm bill, if there are any votes to be had, it is the intention of the leadership to seek an agreement to the effect that those votes will be taken on Tuesday, and therefore no yeas and nays votes will be taken on Monday.

After the farm bill, there will be taken the independent offices appropriation bill, the Health, Education, and Welfare bill, certain nominations later in the week, and, if the foreign aid bill is ready, it will be taken up later that week as well.

So I would say that will be the business. I do not anticipate that there will be any yeas and nays votes on the measures to be further considered this afternoon. If there are to be any yeas and nays votes on the farm bill, the leadership will try to work out an agreement, which I think we can, that they will be taken on Tuesday.

Mr. TALMADGE. I thank the distinguished majority leader, and the distinguished acting majority leader for yielding to me.

Mr. PASTORE. Mr. President, before the Senator leaves, will he yield to me?

Mr. TALMADGE. I am delighted to yield.

Mr. PASTORE. What does the majority leader intend to do about the modification of the Federal communications law?

Mr. MANSFIELD. Are the reports ready for that bill?

Mr. PASTORE. I understand the reports are ready. This is not a controversial matter. I would hope we could dispose of it. It is a reorganization of the Federal communications law. We have gone through it in committee. We have had protracted hearings. I do not think there is any objection to it. I think we ought to dispose of it this afternoon if we could. I hope the majority leader will do that. I do not expect any record votes on it today.

Mr. MANSFIELD. I may say to the distinguished senior Senator from Rhode Island that I will look into the matter and, if at all possible, I will schedule it immediately after the legislative appropriation bill.

Mr. PASTORE. I thank the Senator.

Mr. KUCHEL. Mr. President, I wish to say, most respectfully, that the

minority leader [Mr. DIRKSEN], as my friend knows, is absent, and will be absent during the rest of the week. I believe he has an interest in that legislation. I wonder if, under those circumstances, my able friend would accede to a request that it not be taken up until next Tuesday?

Mr. MANSFIELD. Mr. President, I make the request of the acting minority leader that, if possible, he get in touch with the Senator from Illinois [Mr. DIRKSEN], to find out what are his wishes in this respect, and let us know. I shall be guided accordingly.

Mr. KUCHEL. That I shall do.

Mr. PASTORE. I hope, if the Senate does go over until next week, that we shall be able to fit in consideration of the measure between the consideration of important bills.

Mr. MANSFIELD. If it turns out that way, that is what we shall do.

## REORGANIZATION PLAN NO. 5

The Senate resumed the consideration of the resolution (S. Res. 158) that the Senate does not favor the Reorganization Plan No. 5 of 1961 transmitted to Congress by the President on May 24, 1961.

Mr. MUSKIE. Mr. President, I wish to make a statement in support of Reorganization Plan No. 5.

The National Labor Relations Board is in crisis. It is smothered by a workload that prevents expeditious handling of routine cases and thoughtful consideration of policy. Employers tell us that they win their cases before the Labor Board, but victory comes too late—after they have been forced out of business by an illegal boycott or other unfair labor practice. Unions complain that their Labor Board triumphs are pyrrhic; they win the litigation but lose the battle. Employees beset by unions or their company merely shrug it off and walk away; a favorable decision a year and a half away makes no difference.

All—the AFL-CIO, the NAM, the chamber of commerce—are agreed that some remedial action is necessary. The statistics bear this out. In fiscal 1960, the Board members issued decisions in 4,122 cases of all types. This averages to over 11 decisions a day throughout the entire year. Should we permit the Board members a 2-week vacation plus Saturday afternoon and Sundays, the per day decision load is 15. Moreover, the problem grows daily more acute.

In unfair practice cases alone, the "intake" of appeals at the Board level continues to mount. In fiscal 1959, the Board received 380 appeals in this type of case; in 1960, the figure was 612; and in 1961, it rose to 740, almost double the figure just 2 years earlier, almost 3 unfair labor practice cases per working day. The Board's backlog has more than doubled and is at the highest level in its history. No Board member, whatever his intelligence, his physical stamina, his ingenuity, can keep abreast. Something must be done about the situation.

Plan No. 5 permits the Board to delegate greater authority to the independent trial examiners who now initially

decide the unfair labor practice cases, screening all cases wherein review is sought, giving full deliberation to those cases which more than one member believe wrongly decided or otherwise important.

The chaff now buries the wheat in the grist of the NLRB unfair labor practice mill. Expert testimony confirms that many frivolous appeals are taken for selfish time-delaying reasons. Most of the cases which get to the Board are not difficult or policymaking. Nine out of ten call for no more than the resolution of factual issues; the Board acts with unanimity in about 80 percent of the unfair labor practice situations. Thirteen percent of the cases are reversed by the Board in part, 6 percent are reversed in full, and 3 percent are remanded for further proceedings. These are frequently the tough cases, the policymaking cases, the cases that deserve full Board attention if error is to be undone. But now the median time for decision—from filing of complaint to Board decision—is 404 days; plan No. 5 would enable the Board to grant limited review to all cases but would permit longer review of the important cases and would cut the time consumed in the decision process by 4 to 5 months.

The principle of plan No. 5—that the resolution of disputed facts in administrative cases by trial examiners should have greater finality—is nothing new.

Every public and independent study group over the past 20 years which has studied the problem of administrative operation, both generally and at the Labor Board, has found that delay is a major problem and that a key to solving this problem is the solution provided by Plan No. 5.

The choice is between plan No. 5 and a more efficient labor board or rejection of plan No. 5 and a labor board which is way behind in its caseload—and this in an area where justice delayed is indeed justice denied. The only ones who can possibly oppose plan No. 5 are those who thrive on delay and confusion. Those who favor an efficient, up-to-date administrative agency giving practical enforcement to the laws we have drawn, must support the President's plan No. 5.

I would like to note that plan No. 5 has received bipartisan and unanimous support from all the members of the Labor Board. Boyd Leedom, Chairman of the Labor Board during much of the Eisenhower administration, testified as follows:

I cannot see any valid objection that has been raised to the plan, and I think that enactment is an important thing to the Board in trying to keep up with the Board's terrific caseload. And I sincerely hope that the Republican members—and I say that because I am a Republican—will see fit to support this plan. I can't see that it is a partisan issue at all. I can't see that it is an issue between labor and management. I say it is simply streamlining, expediting things that should be enacted.

Let us give the Democratic and Republican members of the Labor Board, who testify that plan No. 5 is essential, the opportunity to get on with their work in an efficient manner with the tools required by the measure of the task.